

COUNTY OF YORK

MEMORANDUM

DATE: November 23, 2004 (BOS Mtg. 12/21/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-651-04, Holiday Chevrolet-Cadillac

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 5, Automobile Sales Establishment) of the York County Zoning Ordinance, to authorize a temporary automobile sales display lot on property located at 817 Merrimac Trail. The subject property is further identified as Assessor's Parcel No. 10-35.

DESCRIPTION

- Property Owner: Hudgins Brothers, L.L.C.
- Location: 817 Merrimac Trail
- Area: 1.15 acres
- Frontage: 156 feet on Merrimac Trail
- Utilities: Public water and public sewer
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB-General Business
- Existing Development: Vacant building – formerly used as bank and various retail functions; existing asphalt parking lot and circulation drives
- Surrounding Development:
 - North: James York Plaza Shopping Center; gasoline station
 - East: Magruder Elementary School athletic fields
 - South: Magruder Elementary School athletic fields
 - West: Fast-food restaurant; vacant property (future site of WaWa convenience store)

- Proposed Development: Temporary use of the site as an automobile sales display lot to accommodate approximately 80 vehicles, plus customer parking spaces. The display lot would be in use during the time of construction of the recently authorized additions to the applicant's primary sales facility located farther north at 543 Second Street. The applicant estimates that the construction activity associated with that expansion will last approximately 10 months.

CONSIDERATIONS/CONCLUSIONS

1. As the Board will recall, the applicant recently proposed and secured Special Use Permit approval for a major expansion of the Holiday Chevrolet-Cadillac sales and service facility located at 543 Second Street. Recognizing the disruption to that site that will be caused by the construction activity associated with the expansion, the applicant desires to use the property at 817 Merrimac Trail (which has been owned by the business principals for several years) as a temporary sales display lot for new vehicles. The applicant proposes to use the site "as-is" and to simply park the display vehicles on the existing asphalt parking lot located on the north side of the existing building on the site. Once the construction activity is completed at the primary facility, all vehicles would be removed from the subject site and the applicant indicates that the property would most likely be put on the market for sale.
2. The proposed automobile sales display lot would be operated as an ancillary lot to the main facility at 543 Second Street. Because the properties are within 500 yards of one another, state motor vehicle dealer board licensing regulations allow the subject lot to be licensed in conjunction with the primary facility and do not require the establishment of an on-site sales office (although it is permissible for sales personnel to meet with customers on the ancillary lot). In fact, the applicant has no desire to use the existing building on the site or to station sales staff on this lot.
3. The sketch plan submitted by the applicant depicts six (6) rows of display spaces that would accommodate a total of 82 vehicles. The display area would be located on the north side of the existing building, thus keeping activity away from the adjacent Magruder Elementary School site. The applicant's concept plan indicates that vehicles would be parked a minimum of ten (10) feet from the side (north) property line, although the existing asphalt surface extends across that property line to become indistinguishable from the asphalt service drive leading into the back of the James York Plaza shopping center. Display spaces would be situated a minimum of twenty (20) feet from the front property line, thus leaving room for customer vehicles to circulate through the existing asphalt area at the front of the site.
4. For a display lot of the size proposed, the Zoning Ordinance requires that a minimum of five (5) off-street parking spaces be provided for customer parking. The nine (9) customer parking spaces labeled on the concept plan correspond to the customer parking spaces associated with the former business uses of the property and should be more than adequate to meet the parking needs associated with the proposed display

operation. Although not ideally located in relation to the driveway entrance, there is sufficient room to ensure that customer vehicles entering and exiting the spaces will not impede traffic flow on Route 143.

5. As an existing business property, the site/building could be re-occupied at this time by a new retail use as a matter of right and without a requirement for site plan review or site modifications. As such, the same parking lot that the applicant proposes to use for vehicle display and customer parking would be used, as-is, albeit by fewer vehicles.
6. The applicant does not propose any signage on the property and a Special Use Permit condition is proposed to document this intention.
7. The applicant indicates that after the construction at the Second Street facility is completed and all the vehicles are removed from this ancillary display lot, he intends to offer the property for sale. The applicant acquired the property with the intention of redeveloping it as a used car sales lot (demolishing the building and building a new structure, etc). In fact, the applicant had submitted a site plan depicting the redevelopment but those plans were abandoned when the opportunity to expand the Second Street facility onto the former Greener Side property became available. Based on the condition of the existing building and the existing site conditions, it is likely that any future "permanent" use of the property will involve significant re-development activity. At that time, various site design issues such as building setback, entrances, perimeter landscape yards and landscaping, etc. would need to be addressed. The applicant proposes that the temporary nature of his proposal be recognized and that these site modifications be deferred until the "permanent" use of the property is known.
8. As shown on the applicant's sketch plan, the majority of the grassed island in front of the property is actually within the VDOT right-of-way. However, in the interest of improving the appearance of the Merrimac Trail corridor, and in particular the frontage of this parcel, staff believes that this island should be landscaped (either within the approximately six-foot area on the applicant's property, or within the entire area if VDOT will agree). Staff proposes that a minimum of two (2) trees (Weeping Cherry, which is one of the varieties planned for the County-sponsored right-of-way landscaping on Merrimac Trail) and six (6) shrubs be installed within this area and a Special Use Permit condition to this effect is proposed.
9. The surrounding area is commercial in character, with the exception of the adjacent Magruder Elementary School, and includes a service station, shopping center, mini-warehouses, and a fast food restaurant. The site diagonally across Merrimac Trail at the Penniman Road intersection is proposed for development as a WaWa convenience store (site plan has been approved) and it is likely that additional business redevelopment activity will occur in the immediate area in the future.

PLANNING COMMISSINO RECOMMENDATION

The Planning Commission considered this application at its November 10, 2004 meeting and, subsequent to conducting a public hearing at which only the applicant spoke, voted 5:0 to recommend approval of the Special use Permit subject to the conditions included in the attached resolution.

COUNTY ADMINISTRATOR RECOMMENDATION

The Special Use Permit process allows specific uses and specific sites to be considered on a case-by-case basis. This proposal is before the Board because it involves automobile sales/display, albeit for a limited time. In contrast, re-occupancy of the site for a retail use could occur as a matter-of-right and without need for any special approvals or site modifications. Hence, the applicant's desire to use the site "as-is" to display vehicles for a finite time period would result in essentially the same outward appearance as an allowable retail use (i.e., vehicles parked in the existing parking lot, although more of them). The opportunity to use this site as an ancillary vehicle display lot will assist the applicant in the phasing of construction for the expanded primary operation located farther north along the corridor at 543 Second Street. The proposed use is consistent with the performance standards set forth in Section 24.1-475 of the Zoning Ordinance for "motor vehicle and transportation related uses" and the proposed Special Use Permit conditions make it clear that the use authorization is only for the term of construction at the primary facility and that it does not convey any rights to use of this property as an automobile sales/display facility beyond that time period.

This application presents a fairly unusual set of circumstances – a vacant business property already owned by the applicant; location within the distance prescribed by the State for ancillary facilities; a willingness to set a finite limit for occupancy of the site; and, the ability to use an existing parking lot with no site modifications proposed or needed – that, in staff's opinion, make the proposal worthy of consideration. The Special Use Permit process allows those unique circumstances to be considered and documented, thus ensuring that the approval will be unique to this site and not precedent-setting with respect to other automobile sales operations that may be proposed elsewhere in the County. Therefore, staff recommends that the Board of Supervisors approve this application through the adoption of proposed Resolution No. R04-174.

Carter/3337

Attachments

- Excerpts – unapproved Planning Commission Minutes, November 10, 2004
- Zoning Map
- Vicinity Map
- Sketch Plan depicting proposed display layout
- Proposed Resolution No. R04-174